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ARIZONA'S ADMISSION TO STATEHOOD.

BY ARCHA MALCOLM FARLOW.

I. THE HISTORY AND RESOURCES OF ARIZONA.

If the history of Arizona¹ were presented in one great drama it would represent a remarkable variation.² Its earliest inhabitants, numerous and agricultural, left their only annals in their remains—old systems of irrigation and primitive implements now and then yielded by the soil. The Pima Indians gladdened the hearts of the padres by faithful devotion, while the Apaches were cruel and treacherous. Cabeza de Vaca sought succor and received it; Coronado, gold and found it not; the Jesuits, service and gave it in full measure. The American pioneers here reached the last frontier. They came to possess the land and though many perished³ they represent the last scene in the drama, no longer that of motley adventurers, fleeting shadows of conquistadores or unwritten tragedies of the desert, but a land of safety and promise.

The conquest of Peru by Almagro and Pizarro was similar to that of the occupation of Mexico by Hernando Cortez. Each added galleons of treasure to the coffers of Spain. This state rendered strong by the union of Castile and Aragon through the marriage of Ferdinand and Isabella in 1469, thus raised to a position of affluence and respect, became a reckoning factor among the nations of Europe. Wealth, thus easily gained, led to extravagance and unwise enterprises that might have been less destructive had caution and moderation prevailed. Spanish diplomacy engendered hatred instead of friendship.⁴

The policy of Philip II. shattered Spanish dreams of empire and the full measure of the draught of wealth and power in her goblet of silver and gold was never quaffed. The blood of the Inca and

1. Authorities differ as to the origin of the name. It is a corruption of "Arazuma" first applied to the country by the early Spanish explorers. Some maintain that the word is of Pima origin, and means "Little Creek," while others hold that its derivation is from two Pima words, "Ari," a maiden, and "Zon," a valley or country, having reference to the traditionary maiden queen who once ruled over all the Pima nation.—Patrick Hamilton, *Resources of Arizona*, 21.

2. *Id.*, 10.

3. In the ten years from 1864 to 1874 it is estimated that not less than one thousand victims of savage atrocity found bloody graves in Arizona.—*Id.*, 25.

4. *Effects of the Inquisition. Id.*, 85.

Montezuma was avenged. Beholding in pride her scepter over the world was but the mirage that vanished as quickly as did the dreams of her freebooters who chased imaginary eldorados always vanishing from their outstretched hands. Yet before the folly of Spain had clouded so roseate a future her trusted leaders* in America, enthused by the marvellous attainments of Pizarro and Cortez traversed the inhospitable sands of the desert, anticipating, day by day, on their toilsome marches, some undiscovered realm rivaling the barbaric splendor of Mexico and Peru. One who was especially ardent in seeking riches was Vasquez de Coronado. In 1539, Padre Marco de Niza set out from Culiacan to verify the stories told by De Vaca. His description of the "Seven Cities of Cibola," fabulously rich in all that might satisfy the very prince of Spanish adventurers, so wrought upon the desires¹ of Coronado that he, the next year, 1540, with a company of followers numbering a thousand, made an expedition into what is now the State of Arizona. He named the ruins of Chichitilaca "Casa Grande," visited the Pima on the Gila, then passed on to the ingenious Moqui and Zuñi. They proved to be peaceful and hospitable. Their pueblos, still interesting products of semi-civilization, doubtless led De Niza to conclude that the goal of Spanish ambition was near.²

After remaining two years among the Indians in vain search for gold, bootless in spoil, richer in wisdom and withal less credulous of the stories told by his subordinates, Coronado returned to Mexico. The places he had visited gave him a vision of a part of what would become Arizona. Here came the holy fathers led by the dauntless Fathers Eusebio Francisco Kino and Juan Maria Salvatierra. The former died after a life that stands out in strong contrast to the rapacious spirit that impelled the fearless though disappointed Coronado. The natives, however, did not all conform to the type of the Zuñi and Pimas. The Apaches resented the intrusion of the Spaniards by a resistance that did not abate until they were removed to Florida.

In May, 1768, the Franciscans succeeded the Jesuits. The missions became ruins until only San Xavier del Bac is the one alone remaining in a state of preservation.

* The public mind throughout New Spain was wrought up to a high pitch of excitement by the news which Padre de Niza brought on his return. The desire to extend the dominion of the Cross produced in the breasts of the fathers a feeling of holy adventure; and the thirst for gold and glory possessed the belted knight and the sturdy man-at-arms.—Patrick Hamilton, *Resources of Arizona*, 15.

1. The Grand Canyon was discovered by Don Garcia Lopez de Cardenas, who appears to have given no more than ordinary attention to a scene that has no counterpart in all the titanic wonders of nature.

2. The expedition by water was led by Alaroon, who discovered the Gulf of California, which he named the Sea of Cortez.

In the end the missionaries poorly succeeded, for the Pimas in 1751 revolted. The Apaches were the destroyers of Tumacacori, at one time the richest of Arizona missions. They were good neophytes only in death when their treachery could no longer harm their self-sacrificing benefactors. However strong the opposition, there was no yielding to discouragement, and the Franciscans remained during the long period that subsequently contributed nothing to history from the land of the pueblos. The missions did not grow and prosper, but in due respect to the sincere motives of the fathers this tribute is due them—the faith they strove to establish is still found where they toiled. When Arizona was admitted as a state in 1911 the number of Catholics exceeded all other religious denominations taken together.¹

Previous to 1846 the history of Arizona was that of the missions, the struggle between the padres and the natives whose antipathy could neither be overcome by force nor by the persuasion of religion. So far as the rest of the world was concerned Arizona was apart as fully as was the New World subsequent to the explorations of the Norsemen and previous to the coming of the caravels of Columbus.

In 1853 the Gadsden Purchase was added to the territories of Arizona and New Mexico. The United States had acquired the Mexican Cession in 1848, which included the remainder of Arizona, it being considered a part of the Great American Desert. Fourteen years after its acquisition it contained only 6,500 whites, and these were, for the most part, those who either going to or returning from California, had prospected over the plains and mountains and had found some hitherto undiscoverable charm that caused them to cast their lots in a land of grandeur if not of plenty. Since 1862 the population has steadily increased, reaching, inclusive of Indians and Mexicans, 204,354, according to the census of 1910.

The minerals of Arizona are no more remarkable in variety and abundance than are the rock strata in general. In no very remote geological age, this country was the recipient of considerable rainfall as evidenced by its old lake beds and its primeval forests, some of whose gigantic trees are preserved in agatized and silicified forms. These phenomena that indicate an age of greater humidity, also in silent speech tell of a meteoric change due to the formation of mountains which deprived these inland areas of moisture-laden winds. The age of these forests must be considerable, for had Arizona been

1. Church membership in Arizona in 1903: Protestant Episcopal, 1742; Methodist Episcopal, 1142; Fifth Avenue Christian, 200; Methodist Episcopal (S), 732; Roman Catholic, 40,000; Presbyterian, 2012; Congregational, 334; Baptist, 558; Free Methodist, 50; total, 46,820.—Compiled from Report of the Governor of Arizona, 78 and 79, 1903.

a land of rainfall in recent geological time, the precipitous sides of the cañons would have been smoothed by the action of the water.

The pine region is favored with a delightful climate and considerable moisture. At Flagstaff the average rainfall is twenty-four inches, while Yuma is almost devoid of rain.

Miners acquainted with Arizona declare the mineral wealth of the state is yet unknown.¹ Undeveloped by lack of railway facilities properties lie dormant that will eventually yield abundance of silver, gold, lead, tungsten and precious stones. In 1908 Arizona ranked first in the production of copper; in 1909 Montana led, but in 1910 Arizona again led all copper-producing states.²

So far as it is possible to determine, the illimitable mineral wealth of the territory remained hidden from the Spaniards. Had they discovered and developed the mines there possible, the treasure ships of Spain's halcyon days would have been poor in comparison to the amount of wealth revealed. As the French overlooked the true soil of Louisiana, thus did the Spaniards fail to find the real eldorado of their dreams.

In 1906 Charles D. Walcott, Director of the United States Geological Survey, stated that there were 72,792,320 acres of land in Arizona of which 254,945 acres were irrigated at that time, and that 500,000 acres more could be brought under the canals. Since, however, it is considered possible to irrigate 2,000,000 acres. The water of the Colorado contains fertilizing sediment³ six times as rich as the Nile. Since Belgium maintains one inhabitant to the acre, there is a possible population of 2,000,000 in Arizona.

Arizonan scenery is picturesque, varied and beautiful, blending with all the sublime in a measure not found elsewhere in the United States. The desert scenes of Van Dyke have called from the idea of desert wastes to a desert beautiful denoting charm and utility. From Yuma, 400 feet above the sea level, to the San Francisco Mountains 14,000 feet above, there are marvellous changes in conditions. At and near Flagstaff 12,000,000 feet of pine lumber are

1. "With a judicious expenditure, the annual output in gold, silver, copper and lead is capable of indefinite expansion, to say nothing of the known deposits of iron, manganese, coal and other minerals—onyx, building stone, etc.—which will eventually be developed and utilized."—Thomas Tonge, *The Mineral Resources of Arizona*, Engineering Magazine, Vol. XIII, 781.

2. The gross production for the year 1910 was as follows: Copper, 295,275,527 lbs.; lead, 1,068,093 lbs.; zinc, 6,134,418 lbs.; gold, 142,252.803 ozs.; silver, 2,092,738.461 ozs. Gross valuation, \$42,229,282.56.—Report of the Governor of Arizona to the Secretary of the Interior, 1911, 25.

3. "While the Gila river and its affluents, the San Pedro, Salt and Hasyampa, which run dry occasionally, furnish only a limited quantity, the mighty Colorado river carries a volume of water not only six times as rich in fertility as that of the Nile, but of almost limitless and continuous supply."—B. F. Fernow (Ph. G., LL. D.), *National Geographic Magazine*, 8, 219.

produced annually. Congress has become alarmed lest the natural beauty of this part of the state be marred and has set apart large forests that will preserve nature's rarest charms. The species of pine represented, known as *pinus ponderosa*, does not produce the best quality of lumber, only about six per cent. being perfect, yet the state is supplied with its own building material and furnishes both herself and California with ties.

In an area of 113,929 square miles there are only 1,994.36 miles of railway. Coal is mined in small quantities, yet there is enough in sight to promote all dependent industries. Here and there are found mineral springs, sandstone, marble and granite. Of precious stones turquoises, vanadium and garnets are abundant. So free is the land of the state to entrants that only 5,200,000 acres out of 72,792,320 are privately owned. Mining stands pre-eminently first among the state's industries; however, the northern mesas and elevated portions are composed of excellent pasture lands. Thus many resources of the state do not appear as tangible commodities, yet are of priceless worth in building up a commonwealth and in bringing a large population to its plains and valleys. The air is of rare purity, attracting the sufferer from pulmonary affections and restoring to health and vigor.

Containing an area as extensive as the New England States and New York combined, a variation of altitude almost as great as that of Colorado, forests that greet the eye in refreshing coolness, flocks and herds that rival those of Abraham on the plains of Jordan, Arizona has much to offer. Adding to this are mineral deposits estimated to cover 30,000,000 acres,¹ which the world's markets will take and pay for liberally.

Educational institutions of the state are commensurate with every other field of progress. Teachers' salaries are exceeded only by those of California and Nevada. The state university is located at Tucson, and two normal schools are situated at Tempe and Flagstaff.

The state is essentially democratic in political vision and during the session of its legislative assembly, 1908-9, a direct primary law was passed; also a law providing for a state historian.² It is evident that the western spirit of government by the people animates the citizenship of the state. Though the population is scattered and

1. Congressional Record, Vol. 38, Pt. 6, 5105 (1904).

2. "The historian has during the year done a great deal of extensive research work and has succeeded in obtaining valuable data not hitherto available for future use in the compilation of an accurate and comprehensive history of the Territory."—Report of the Governor of Arizona to the Secretary of Interior, 19, 1911.

only forty-seven per cent. of pupils of school age is enrolled, the state provides splendid conditions for educational advancement.

As only about one twenty-fifth² of the area of the state can be irrigated, primal characteristics will, to a great extent, remain. The forest and streams beheld by De Soto in his expedition through the south have been transformed, but the scenes that opened to the sight of Coronado, Espejo and De Vaca show little appreciable change. The metamorphosis that follows in the wake of civilization is not so prominent here where centuries hence nature will still safeguard her pristine landscapes as jealously as she has since Spanish wanderlust and dreams of gold and empire led through perils to failure and death.

The crops of the United States for 1912 approximate \$9,000,000,-000, in comparison with which the fondest hope of the Spanish gold-hunter becomes insignificant. The rich soil that would become a perpetual source of revenue was ignored.

In considering briefly thus the history, resources and physiography of Arizona, we may inquire what the United States added to its material wealth when the enabling act of Congress permitted Arizona's star to be placed in the national emblem. This is necessary and lends interest in following the steps that finally led to admission.

First came the proposition to admit Arizona and New Mexico as a single political unit and the consequent failure to bring the desired consummation to pass on the part of its adherents. It is interesting to consider the causes, controversies and results of the measure proposing joint statehood which was destined to perish.

II. THE JOINT STATEHOOD BILL OF 1906.

When Senator Hamilton of Oklahoma in 1906 brought before the Fifty-eighth Congress a bill providing joint statehood for Oklahoma and Indian Territory, also Arizona and New Mexico, it became apparent that the merging of the latter would not be accomplished as peacefully as had been entertained by the large state advocates. On November 6, 1906, an election was held to determine the attitude of the people of both Arizona and New Mexico toward joint union. In the former the vote was 3,141 for, to 19,406 against; in the latter 26,195 for, to 14,735 against the plan proposed. In Arizona and New Mexico conditions existed territorially and racially that, even though they might be subordinated to a single constitution, would result in relations uncomfortable and inimical to both. States whose stars have long adorned the flag have been and are now

2. Estimates vary. See Congressional Record, Vol. 38, Pt. 6, 5105 (1904).

disturbed by local incongruities.¹ Legislation desired by the people of western Tennessee does not provide necessary laws for those in the eastern section. Such differences often lead to political aspersions, resulting in riot and bloodshed.² The mountaineers of Eastern Kentucky plotted the assassination of Governor Goebel, claiming that their will had been subverted by the Democratic party in that state. Owing to the diversity of interests in California there has been a strong sentiment favoring state division.³ The people of Southern California have asserted that they do not receive a proportionate share of the state's revenues and that the Tehachapi should be made the northern boundary of a new state. Another noteworthy example is found in the division of Virginia into two commonwealths, the result of geographical conditions and industrial differences.

Territorial government⁴ did not attract settlers. When admission was agitated there was a noticeable increase of land entries as stated by Governor Sloan in his report to the Secretary of the Interior. The laws of the Territory had failed to secure justice in taxation. The Tombstone Consolidated Mining Company was incorporated for \$15,000,000. Six million dollars worth of its bonds had been actually sold, yet the company was assessed for only \$79,000. Another, the United Verde Copper Company, owned principally by Senator Clark of Montana, yielded \$10,000,000 and was taxed on \$895,423. To correct these inequalities a state government was necessary, for, said Senator Hamilton, "Under present conditions a territory cannot purge itself as well as a state can. The governor of a territory is an appointive officer. He is not responsible to the electorate."

Santa Fé, the second oldest city founded in the United States, is a monument to Antonio de Espejo. Here Spanish institutions were

1. J. P. Widney, *The Californian*, Vol. III, 124 (1881).

2. In ten months Tennessee raised fifty regiments for the Southern Confederacy, while five or six were recruited for the Union.

3. "Among the minor considerations leading to the separation are the questions of the difficulty of framing state legislation to suit communities so widely differing in interests as the northern and southern portions of California; questions of local inequalities and injustices in taxation; the undue centering of State institutions and expenditures of State moneys in the San Francisco Bay counties, although the people of Southern California are ceasing to care about this; they say they prefer now to wait and build up their own institutions; the difficulty of gaining any influence in Congress, and of securing Government aid for harbor improvements and public works; the desire to be free from the controlling and corrupting influence of San Francisco in State politics—for the new state would be essentially an agricultural and pastoral one, without any one great city within its borders to overshadow with its influence the purer vote of the country."—J. P. Widney, *The Californian*, III, 124.

4. Arizona is a state without a history. One of the departments in the new state government is that of State Historian. Governor Sloan, in his report to the Secretary of the Interior, 1911, stated that progress was being made in the collection of data and that a suitable history of the State would be written.

planted and the blood of Castile and Aragon was made an inseparable part of the territory. In 1906, eight out of every fourteen inhabitants were Spanish-American. The people of Arizona, almost entirely American, and with seventy-five per cent. of their school teachers graduates of higher schools of learning, did not look with favor upon the ideals* necessarily different from their own; for, since Arizona was inferior in numbers to New Mexico in 1906, should joint union be effected, their policies would be dictated by New Mexico. Submission to political impotency that would prevent the fulfilment of her plans and purposes was the basis of Arizona's most bitter protest.

The territories are naturally separated by mountains and deserts which constitute an effectual barrier to intercourse. These have excluded any sympathetic relations as fully as was the effect of the Alps in differentiating the civilizations of the Po and the Rhine. The railroad builder, the pioneer and the prospector alike shun these inhospitable fastnesses by making long detours to the north and south. This impassable frontier has determined the people and their commercial affiliations. The merchants of Arizona go to Los Angeles and the Pacific to trade, while those of New Mexico go to Denver and El Paso. Thus there were no common interests to cause a desire for union.

Before San Bernardino County, California, was created out of territory formerly a part of San Diego County, a resident of Riverside desiring to pay his taxes, would bid his family adieu and start on a week's journey, *via* Los Angeles, to his county seat, San Diego. Frequently the sum paid did not exceed the outlay necessary in making the trip. More remarkable still would have been the journey of a citizen of greater Arizona from Yuma to Santa Fé whose car-fare would be \$40.25.¹ From Phoenix to the proposed new capital he would be obliged to travel 661 miles and consume 26 hours.² The time occupied in making the trip would exceed the fast train schedules between New York and Chicago.² In addition many would have to make long journeys to the nearest railroad. Added to the loss of time and great expense would have been the tardiness of news from Santa Fé and a consequent failure to wield a proper influence in prohibiting and securing legislation.

* Governor Otero of New Mexico said: "There is no doubt that the great majority of people in New Mexico are opposed to joining New Mexico and Arizona into one commonwealth, as proposed by pending legislation. Even a small per cent who would acquiesce in such legislation prefer single and separate statehood for each territory. This is not due to any innate animosity between the two territories, but to inherent difference in population, in legislation, in industries, in ideals, and from an historical and ethnological standpoint."

1. J. W. Babcock, *The Independent*, Vol. LX, 506.

2. The fastest schedule between New York and Chicago is eighteen hours, and between Phoenix and Santa Fé, twenty-six hours.

One of Edmund Burke's strongest pleas for conciliation between England and America was the failure of Parliament to deal effectively with the American colonies, owing to their great distance from the source of authority. Even granting that civilization takes with it modern appliances, they are in the rear and cannot annihilate distance until they reach the vanguard. When Arizona and New Mexico were territorially separated in 1863, the distance was so great and travel so hazardous that the people of the former were deprived of the right to participate in the territorial legislature which met at Santa Fé.

The financial system of Arizona had been much better than that of New Mexico, her bonds frequently selling above par. Just how to equitably apportion the indebtedness of the territories was a difficult matter to settle. The financial policy of New Mexico prior to 1906 had been lacking in economy and farsightedness.¹ On the other hand Arizona had displayed frugality and thrift. With joint admission the heaviest burden would fall upon the more prosperous territory. In this was added another reason why Arizona was not willing to join with a people who would place the heavier burden of debt upon the shoulders of both.

Had the joining of the two territories into one state been consummated the area resulting would have been 235,280 square miles, and would have exceeded every other state except Texas, which contains 265,896 square miles. The Thirty-ninth Congress, admitting the last named state provided for its future subdivision whenever its people should decide that such a course would be for the best interests of the state, considering it too extensive to become a permanent political unit. The combined area of the two territories would have been only 30,516 square miles less than that of Texas. Two senators, Bayard of Delaware, and Sprague of Rhode Island, were members of both the Twenty-ninth and Thirty-seventh Congresses. These members had voted on the bill to admit Texas, which was a measure of great national concern. They had also participated in the creation of the Territory of Arizona, there being no question raised concerning its size. In the Twenty-ninth Congress such a question was raised and provision was made for the subsequent division of a state whenever the people thereof deemed it expedient, *at the time such state was created*.

The people of Arizona claimed that the act of Congress bestow-

1. "County, school and municipal debts of Arizona were funded under the authority of an act of Congress, while no such funding law exists in New Mexico, and several of the counties are insolvent as evidenced by discredited securities which the owners hope the new state would assume."—House Reports, 59th Congress, Miscellaneous, II, 2656.

ing territorial rights upon them during Lincoln's administration also conferred separate statehood whenever they might be entitled to this honor, and that any action derogatory thereto jeopardized their welfare, being counter to the intentions of that Congress which gave them territorial existence. The usual clause, under which they claimed immunity is as follows:

"That said government shall be maintained and continued until such time as the people residing in said territory shall apply for and obtain admission as a state on equal footing with the original states."

The words "said territory" was interpreted as granting the "inchoate right of ultimate statehood."

It was claimed by those advocating joint statehood that there were citizens in Arizona who believed that in giving the state federal offices and congressional representation, they could, by direct participation or influence, secure immunities and benefits for themselves and that this could not be done in case the territories were linked together in one state. This was vigorously denied by those who stood for separate statehood.

After the bill had passed the House and was about to become a law, the Arizonans began to organize for effectual resistance and every section of the territory became strenuously active in framing resolutions and presenting them to Congress. A delegation of leading citizens proceeded to Washington to stay the passage of the measure. At the Annual Fair held at Phoenix, where twenty-five hundred spectators were assembled in a large grandstand, petitions were circulated which were signed by ninety-eight per cent of those present in thirty minutes. Thus the people registered their protests everywhere.

The Bar Association sent a delegation to Washington bearing the following resolutions:

"We profoundly believe that the union of the two Territories as one state would be inimical to the best and highest interest of both, and because of differences in our history, laws, customs and races, and because of the geographical division which naturally separate and divide us such union would be particularly harmful to the people of Arizona.

"We believe that the complications which would inevitably result from an attempt to adjust impartially the burdens of the debts of the territories and the various counties and municipalities thereof would result in irreconcilable difference, and that the prosperity and welfare of the various Territorial institutions would be endangered."

Such protests began to take effect, and the Senate, convinced by the overwhelming opposition, deferred action, leaving the bill in the Committee on Territories whence it never emerged.

The people of New Mexico were quiescent. They had yet a work to perform in securing statehood.¹

Arizona was rich in fact and richer in prospects. Her citizens were aware of a future of no uncertain importance—a future of developed resources. The committees that pleaded with Congress not to impose upon them a union unnatural and undesirable and prayed that the ban to such a marriage of unwilling parties might be prohibited, expressed a patient resignation in the matter of future admission. They were willing to bide their time, confident that Congress would soon be convinced of their fitness for statehood.

Those who opposed separate admission argued that Arizona was a vast territory with only a population of one and one-tenth to the square mile, that it would be unjust to other states to confer equal senatorial power on a civic body so insignificantly small in comparison with other states, that, though the people of Arizona differed from those of New Mexico, the breaking down of racial inequalities would be most salutary from a national standpoint.

The committees sent to Washington thus found in the eagle's nest a trembling dove. Peace reigned and the marriage of hostile interests was not consummated. Much had been said and much learned of the wonderful south-west. Congress had these formally presented facts brought before it, namely: that Arizona contained the largest forest area in the United States, embracing more than six and one-half million acres, that the character of the people was of a high order, there being only one per cent. of illiteracy, that much rich farming land had been reclaimed with three times as much to be added,² that the precious mineral belt is scarcely yet prospected, notwithstanding that \$43,000,000 is produced annually. Such facts spoke eloquently for statehood, and after a lapse of only four years, Congress again entertained a bill for the admission of the Territory.

The question of 1910 was not whether admission was merited, but upon what conditions it should be granted.

1. "The statehood question, ever paramount in the public mind in New Mexico, was advocated at Washington by Mr. Andrews, and the bills for the admission of the territory, introduced by him, were handled so adroitly, that finally after more than sixty years of effort an enabling act for New Mexico and Arizona, admitting them into the Union as separate states, became law.—R. E. Twitchell, "Leading Facts of New Mexican History," 546.

2. Dwight B. Heard, *The World Today*, Vol. X, 415.

III. ADMISSION.

During the time that elapsed between 1906 and 1910 the people of Arizona and New Mexico did not cease in their efforts to secure separate statehood.* Congress was urged to take up the matter seriously. The people of Arizona had won at the last moment in the fight against joint statehood and now were courageous in renewing the conflict. The territory had received many complimentary reports from senators and representatives that dispelled the notion of scorching sands strewn with the bleaching bones and blasted hopes of misguided pioneers. These distorted fancies belonging to an age that would never return, were no longer prevalent. The lure of the mirage, the war-whoop of the Apache and the vanishing trail would no longer adorn the tales of travelers roaming the south-west.

Eastern states† with the lapse of time were less inclined to open the doors of statehood to aspiring territories. Their attitude toward New Mexico and Arizona knocking for admission was more critical than that displayed a half-century earlier when Nevada¹ was allowed to enter the Union with a population less than one-fourth that of Arizona in 1910.

During the time that elapsed between 1906 and 1910 the territorial delegate² from New Mexico had been active in bringing before Congress a bill for separate statehood. During this interim both joint and separate statehood bills had been proposed but had not been reported from the Committee on Territories. On January 15, 1910, Mr. Hamilton,³ chairman of the House Committee on Terri-

* "On February 3, 1909, Hon. E. L. Hamilton, of Michigan, chairman of the house committee, who deserves a warm spot in the heart of every New Mexican on account of his constant friendliness to the territory, introduced House Bill No. 27,607 of the 60th Congress, being an enabling act for New Mexico, and one for Arizona, combined in one bill, but entirely separate in their operations. This was the conclusion of the house committee on the subject of statehood for the territories, after various hearings and full consideration during the greater part of two sessions."—P. L. Bradford, *Struggle for Statehood*, 122.

† In the debates of the 61st Congress, the population of the proposed territories of New Mexico and Arizona was the bone of contention. It was asserted that the average population of the states already admitted at that time was 1,500,000. The New England States were frequently referred to as being a unit against the proposed bill to admit. Mr. Gillette of Massachusetts was the champion of the opposing forces when the enabling act was debated in the House.

1. Nevada, 1870, 42,491; Arizona, 1910, 204,354.

2. Ralph Emerson Twitchell in his "Leading Facts of New Mexican History," Vol. II, 575, says of the New Mexican delegate, William H. Andrews, that he had labored indefatigably for the passage of a bill for separate statehood and that it was owing to the friends of Mr. Andrews in Congress, such as Mr. Quay of Pennsylvania, that statehood was made possible. He says that Mr. Andrews was often referred to as the "third senator from Pennsylvania."

3. Mr. Hamilton had piloted Oklahoma to statehood. In the debates on the enabling act, Mr. Cole of Ohio referred to Mr. Hamilton, who had ushered into the Union the lusty state of Oklahoma, as about to present the nation with twins.

tories, introduced the so-called Hamilton bill providing for the forming of constitutions and state governments on the part of New Mexico and Arizona. After being read the first and second times, the bill was referred to the Committee of the Whole House, and with the accompanying report ordered to be printed.

On January 17th Mr. Hamilton again brought forward the bill and moved that the rules be suspended, the committee discharged and the bill passed. This caused an animated discussion⁴ in which the attitude of the members was set forth; however, at its termination, the vote was taken upon the measure without amendment. The applause that greeted the advocates of the bill made it plain that those opposed were in the minority. Ralph H. Cameron, delegate from Arizona,¹ addressed the House setting forth the fact that he had lived in the territory since 1883 and had not been able to cast a vote for the national candidate for president, and that this was true of the qualified voters of Arizona who at that time numbered more than thirty-seven thousand. He urged that favorable action be taken and that the injustice that had been caused by the inexcusable delay of Congress be thus in a measure atoned for.

The friends of the bill held that the population of the territory far exceeded the anticipations of statesmen when Texas was admitted, among whom was Daniel Webster,² that the banking interests of the territories had trebled in ten years, and that the vote for delegate in 1908 was double that of 1900. From a legislative standpoint it was urged that the entire west demanded more representation in the Senate because of its rapid settlement and development and the consequent need of a great amount of legislation in that section, and that the attitude of the New England States, less than either of the proposed states in size, with six states and twelve senators, was unfair, and that in justice the west should be permitted to equalize to some extent the power exercised by eastern and western commonwealths. The opposition held that the statistics setting forth the population and resources of the territory were not reliable, which

4. Congressional Record, 61st Congress, Vol. XIV, Pt. I, 702-714.

1. In the debate Mr. Cameron said that he objected to one clause of the enabling act. This he said was from a Democratic standpoint and was the power conferred upon the governor, secretary of state and chief justice, all Republicans, who were authorized to establish districts from which delegates to the constitutional convention would be chosen.

2. In Mr. Webster's speech before the United States Senate on March 23, 1848, he said, "As to New Mexico, its population is not likely to increase. It is a settled country; the people living along in the bottom of the valley on the sides of a little stream, a garter of land on one side, and the other filled by coarse land-holders and miserable peons. There will, then, be two Senators for 60,000 inhabitants in New Mexico to the end of our lives and to the end of the lives of our children."

was refuted on the ground that the national census next previous had given the lowest per cent. of illiteracy to Arizona of any state or territory in the Union. The expediency of admitting states with an average population of 300,000 was questioned when the average population of states already admitted was 1,500,000. The vast systems of irrigation were doubted to be of proven value, and the 9,000,000,000 tons of coal supposed to be in Arizona, based upon a statistical report presented, was compared to 9,000,000,000 tons of ice in Alaska, which, said Mr. Gillette of Massachusetts, would be worth as much per ton as coal in some places. It was claimed that lawyers' arguments had to be translated to juries due to the large numbers of foreigners in the territory. In reply it was stated that in many places in New England the percentage of foreigners was much greater than in Arizona.

The limit of discussion being reached, the question was put to vote, the necessary two-thirds majority was secured according to the opinion of the speaker, the committee was discharged and the bill passed. On the next day it was referred to the Senate to be approved or rejected by the Committee on Territories, of which Mr. Beveridge was chairman.

On March 14th, the bill was placed on the Senate calendar and on June 16th was brought before that body to be acted upon together with the amendments proposed, of which the following were the most important:

- (1) The elimination of the educational qualification clause which, being drastic, was considered an injustice to the Spanish-American element and opposed to the provisions of the Treaty of Guadalupe-Hidalgo.
- (2) A change in the election clause which gave the power to disfranchise a voter to the state election board.
- (3) The denial of the right to sell government lands to pay the territory and county debts.
- (4) That not only polygamy as stated in the bill, but polygamous marriages be prohibited.

As is seen, these amendments provided a more generous treatment of all classes and safeguarded the Territory's resources.

The bill as amended passed the Senate the same day by a vote of 42 to 19. There was some apprehension lest the House might disapprove the measure, which proved groundless, as the House concurred by unanimous vote on June 18th. President Taft signed the bill on the 20th and a territory that had been made a part of the Southern Confederacy and was saved to the Union by troops sent out by California, after more than sixty years struggle was thus secure in an honorable place in the galaxy of sovereign commonwealths.

In accordance with the provisions of the enabling act, Richard E. Sloan* on June 28th issued a proclamation for an election of fifty-two delegates to a constitutional convention.

These being duly qualified met at Phoenix, October 10, 1910, and organized by electing George W. P. Hunt,¹ president, and A. W. Cole, secretary, and began to draft a constitution that would be best suited to the needs and conditions of their constituents.

The delegates² to the convention³ having organized by electing officers and twenty-one committees, began their work by excluding from the floor of the convention, all visitors who were not entitled to attend the sessions unless by the unanimous consent of the members present. Lobbying was forbidden and the daily sessions were ordered from 9 A. M. to 12 M., and from 2 to 5 P. M. The committee on boundaries reported those formed territorially to be accurate and that California had fixed upon the midpoint of the channel of the Colorado as a boundary, this being set forth in her state constitution. A press dispatch to the *Arizona Democrat* from the Census Bureau gave the population of the territory as 204,354, this being an increase of 91,243 or 66.2 per cent. for the decade between 1900 and 1910. Proposition No. 97⁴ provided for the canvass of the voters for their choice of United States senators, which was indefinitely postponed since the purpose for which it was created was secured by Proposition No. 4, providing the initiative and referendum. The separate conventions of New Mexico and Arizona took

* Governor Sloan was not in harmony with the new proposed constitution. He is quoted as follows: "There has been a big change in sentiment since the delegates to the convention were elected and I am confident that the proposed constitution will be badly defeated at the polls. It is about the worst affair ever turned out, and objectionable to all classes."—Los Angeles Times, December 8, 1910.

1. Mr. Hunt's work in the convention led to his election as first governor of the new state.

2. Fred T. Coulter, Apache County; C. C. Hutchinson, Edward M. Doe, Coconino County; E. E. Ellinwood, Thomas Feeney, John Bolan, A. F. Parsons, R. B. Sims, P. F. Connelly, E. A. Tourea, D. L. Cunningham, C. M. Roberts, S. B. Bradner, Cochise County; George W. P. Hunt, J. J. Keegan, Alfred Kinney, Jacob Weinberger, John Langdon, Gila County; Lamar Cobb, Mit Simms, A. M. Tuthill, A. R. Lynch, W. T. Webb, Graham County; A. C. Baker, B. B. Moeur, Orrin Standage, F. A. Jones, Sidney P. Osborn, Alfred Franklin, John P. Orme, Lysander Cassidy, James E. Crutchfield, Maricopa County; William Morgan, James Scott, Navajo County; E. W. Coker, Thomas N. Wills, Pinal County; Samuel L. Kingan, William F. Cooper, Carlos C. Jacome, George Pusch, James C. White, Pima County; Bracey Curtis, Santa Cruz County; Ed. W. Wells, M. G. Cunniff, Albert M. Jones, H. R. Wood, Morris Goldwater, A. A. Moore, Yavapai County; Mulford Windsor, Fred L. Ingraham, E. L. Scott, Yuma County. Of these, twelve were Republicans and forty Democrats.

3. See Minutes of the Constitutional Convention of the Territory of Arizona, 1910.

4. Minutes of Constitutional Convention of Arizona, 210.

occasion to send friendly greetings² to each other, the former territory's constitutional convention being in session at Santa Fé at the same time that of the latter was deliberating at Phoenix. The kind offers of free copies of the Journal of the Oklahoma Constitutional Convention were made by William H. Murray, who had served as its president. The acceptance of the generous tender was wired by President Hunt requesting fifty-two copies, one for each member.

Governor Sloan occupied the attention of the delegates for a time during their deliberations. That he was hostile¹ to the work of the convention was evident from the quotations of the press. On December 7th, the following resolution was offered by Mr. Roberts:

"Whereas, the Governor of Arizona publicly expressed through the press of Washington, December 5th, his opinion 'that the Constitution which is being formed will never be adopted,' Resolved by the Constitutional Convention of Arizona that as no part of the Constitution had been finally completed on the date above mentioned, no honest or intelligent opinion could be expressed, it deplores the unfair and presumptuous statement of the governor as tending to influence Congress and the President in granting the wishes of the people of Arizona as expressed in the election of delegates to the Convention; that a copy of this Resolution be transmitted to the President and Congress by telegraph."

The resolution was not passed, but action was indefinitely postponed. It expressed the feeling of the members whose responsibility was to the people who elected them. How well they had represented their constituents would be known when the vote to adopt would show the will of the people in accepting or rejecting the proposed constitution.

2.

Santa Fe, N. M., October 14, 1910.

Honorable George W. P. Hunt, President,
Constitutional Convention,
Phoenix, Arizona.

Sir: On behalf of and under its direction by resolution unanimously adopted by the Constitutional Convention of New Mexico, I send the greetings of the delegates thereof to your Convention, and the best wishes of this Convention for the highest degree of success in the great work you have undertaken in forming a government of, by, and for the people.

(Signed) CHARLES A. SPIESS,

Pres. Cons. Conv. of New Mexico.
Phoenix, Ariz., October 15, 1910.

Honorable Charles A. Spiess, President,
Constitutional Convention,
Santa Fe, New Mexico.

Sir: The Constitutional Convention of Arizona, now organized and in session, begs to express by unanimous vote its appreciation of the kind greeting received today from the Constitutional Convention of New Mexico, and to extend felicitations upon the common opportunity of New Mexico and Arizona to secure the high privilege of statehood. Many of the interests of the two states will be similar, whatever the divergencies may be, and the Constitutional Convention of Arizona assures the Constitutional Convention of New Mexico of its confidence that New Mexico will do her share, as Arizona will do here, to co-operate in the noble task of building up the great Southwest.

(Signed) GEORGE W. P. HUNT,

Pres. Cons. Conv. of Arizona.

1. Officials of the territory were appointive, which accounts for the attitude of Governor Sloan and Congressional Delegate Cameron, who were in sympathy with President Taft and averse to the progressive ideas of the people.

The Governor in his annual report of 1910 declared that the benefits anticipated would stimulate activities of every kind in the Territory's limits and be so conducive to prosperity that delay would be a matter of grave concern. The prospect of speedy admission alone had led to a noticeable increase in homestead entries, not only in irrigated districts, but in sections where the dry farming method is used.¹ The convention set to work without delay so that the Governor was able to order an election to adopt or reject the instrument created on February 9th, 1911. The vote was canvassed by the Governor, Chief Justice and Secretary of the Interior, constituting the state board. The official vote declared was 12,534 for, to 3,920 against adoption.² According to custom, copies of the constitution thus accepted and indorsed by the people was sent to the President, Vice-President and Speaker of the House of Representatives respectively. When these reached Washington, Congress was very busy with accumulated business that always renders the closing days of its session full of long-continued and strenuous work. Therefore no action was taken by either the President or Congress prior to adjournment on March 4, 1911.

The constitution contained some salient features, among which were the following: (1) the provision for the preservation of valuable franchises, wherein corporations would be compelled to submit to the majority of qualified electors by their will expressed at a general or special election. (2) the specifying of a day's labor under Article XVIII. to be eight hours, also making it imperative that the legislature of the new state provide an employers' liability act to protect workingmen from contributory negligence on the part of corporations or individuals. (3) forbidding the bartering or selling or giving of alcoholic drinks to the Indians. (4) an amendment having passed each branch of the legislature by a majority vote and being placed in the hands of the Secretary of State together with a petition for the same signed by fifteen per cent. of all the votes cast for governor at the last preceding election, a special election shall be called and a majority vote determine the fate of the measure. (5) the initiative and referendum providing ten per cent. of the qualified electors petition for the former and five per cent. for the latter. (6) the recall of public officers when twenty-five per cent. of the qualified electors petition for the same and such petition is upheld by majority vote at the election called thereby.

In considering the application of the recall to the judiciary we come to that part of the new constitution that aroused interest everywhere owing to the fact that the President and Congress had never been called upon to approve such a clause when other states

1. Report Governor of Arizona to Secretary of State, in 1910.

were admitted. In the Constitutional Convention of Arizona the recall was incorporated into that instrument by a vote of thirty-five to eleven. As the constitution was subsequently indorsed the measure reflected the sentiment of the electorate. The question was, in the step taken, whether there had been a too liberal exercise of democratic privilege.

On April 4, 1911, Joint House Resolution No. 14 was placed in the hands of the Committee on Territories, and on May 12th, Mr. Flood of Virginia reported the same with amendment referring the resolution with a report on the same to the Committee of the Whole House. The report stated that the President had not acted on the proposed constitution of Arizona, that its provisions were republican in form, that it provided civil and political rights without distinction as to race or color, that it was agreeable to the Constitution of the United States, and the Declaration of Independence, and in conformity to the enabling act. The Committee offered a substitute resolution providing that the clause proposing to apply the recall to the judiciary be again submitted to the electors of Arizona for their ratification or rejection at the first general election. This it was hoped would remove the objection of the President on account of which was the "controlling" reason in proposing the change. The minority report submitted was not agreeable to merely requiring a vote of the electorate of Arizona to reconsider the recall, but resolved that it be made mandatory that the recall be renounced.¹ The committee² whence issued both the majority and minority reports contained the two Territorial delegates from Arizona and New Mexico. On May 16, there began a series of debates of unusual ardor in Congress. The realization that the executive and legislative branches were contending for authority spurred on the members in the contest that followed.

1. Sec. 2. That the Territory of Arizona be admitted into this Union as a state with the constitution which was formed by the Constitutional Convention of the Territory of Arizona elected in accordance with the terms of the enabling act, approved June 20th, anno Domini nineteen hundred and ten, which constitution was subsequently ratified and adopted by the duly qualified voters of the Territory of Arizona at an election held according to law on the ninth day of February, anno Domini nineteen hundred and eleven, upon the fundamental condition, however, that article eight of the said constitution of Arizona in so far as it relates to the "recall of public officers," shall be held and construed not to apply to judicial officers, and that the people of Arizona shall give their assent to such construction of article eight of said constitution.—Part of Minority Report. The members composing the committee were as follows: W. H. Draper, manufacturer; F. E. Guernsey, attorney; J. N. Langham, attorney; F. B. Willis, attorney; W. H. Andrews, farmer; and R. H. Cameron, miner and stockman.—Congressional Dictionary, 62nd Congress, 1st Session, May, 1911.

2. The Committee on Territories reported as follows: "The controlling reason of the committee for proposing this change was the objection of the President of the United States to the recall provision of the Arizona constitution so far as it applies to the judiciary, and the belief on the part of the committee that if the recall as applied to the judiciary was again submitted to the people of Arizona it would meet the objection of the President."

Those favoring a liberal policy in their attitude toward the Territory insisted that the President was overreaching his constitutional authority in placing conditions upon the people of Arizona whose proposed constitution had passed inspection and been found to contain all the requisites necessary to conform with the Constitution of the United States.. Mr. Martin¹ of Colorado, held that the legislature, not the courts or executive,² was the palladium of liberty, and that government was created by legislators. That Congress acted upon the 'controlling' influence which was the firm stand of the President in planning ways to harmonize the views entertained, showed the members ready to admit the territory without delay.

Those opposing the recall held (1) that the independence of judicial officers would be curtailed, (2) that the power of the rabble would influence judicial opinions, and (3) that in time of passion, the safety of the majority would not be secured by the cool deliberation of the minority.

The amended resolution submitting the proposed constitution to the people of Arizona to reconsider by vote, but not making it mandatory that it be rejected, passed the House May 23d and was referred to the Senate Committee on Territories on May 25th. With minor amendments the resolution was voted on and passed by the Senate, fifty-three to eighteen, on August 8th, and was vetoed by the President on August 15th, at which time a message setting forth the reasons for such action was sent to the House. The recall provided for a petition of twenty-five per cent of the total number of votes cast at the previous general election and was applicable to all elective officers, including the judiciary. Within five days after the petition is filed the officer petitioned against might resign. A space for two hundred words setting forth the reasons for recall, also a like space in which the accused might make his defense, was reserved on the ballot. If the majority vote was received by the incumbent he was not removed from office. Of this President Taft said: "This provision of the Arizona constitution in its application to the county and state judges, seems to me so pernicious in its effect, so destructive of independence in the judiciary, so likely to subject the rights of the individual to the possible tyranny of a popular majority, and, therefore, to be so injurious to the cause of free government, that I must disapprove a constitution containing it."

The objections were substantially as follows: (1) The rule of

1. Congressional Record, 62d Congress, Vol. XLVII, Pt. 2, 1246.

2. President Taft in his Special Message, Returning Without Approval House Joint Resolution No. 14, asserting the prerogatives of an executive, said: "But now I am discharging my constitutional function in respect to the enactment of laws, and my discretion is equal to that of the Houses of Congress."

the majority, in passion, is perilous; (2) judges, to fill their offices properly, must be independent, the recall renders them subservient; (3) the recall would remove a judge who may have the courage to render an unpopular decision; (4) no period of delay is allowed for the abatement of popular feeling; (5) it would prevent self-respecting men accepting judicial office; (6) an elective judiciary has proved successful, then why change to a system so full of danger?¹

Communications were received from leading citizens of Arizona assuring their friends in Congress that they would be willing to sacrifice whatever advantages the recall might bring to them if by so doing a speedy admission might be provided. The debates had reached the point, however, where the purposes of the legislators were directed toward establishing precedents² which would be of more value than the immediate relief of the territory. The Republican members, together with the President, constituted the greater part of the opposition, therefore the Democratic members received many expressions of thanks from all parts of the territory.

Mr. Owen³ representing the Committee on Territories in the Senate favoring the recall, expressed his views in its favor in part by holding that there was a tendency among the states to abbreviate the terms of judges, that the favor of minority rule has been inspired by special privilege, and that majority rule is honest, that judges in Oregon favor the recall, and the people there have not abused it, that the people are conceded to have abundant intelligence to justify them in nominating and in electing judges, therefore are qualified to exercise the recall when necessary, that judges are fallible the same as other public officials, that judicial decisions reflect political bias when emanating from the Supreme Court, that the Supreme Court has assumed prerogatives denied by the Constitution creating it, and that in the higher courts there is a drift toward "judicial oligarchy." Further that when a judge becomes mentally, physically or morally disqualified, "Impeachment is so difficult as to be confessedly valueless."

On August 17th, two days after President Taft had vetoed and presented his objections to Congress, Mr. Smith of Michigan, as directed by the Senate Committee on Territories, introduced Senate

1. Special Message of the President of the United States, Returning Without Approval, House Joint Resolution No. 14.

2. (Page 32.) This board canvassing the vote purposely delayed action, being hostile to the proposed constitution, and thus not only prevented immediate action by Congress but put off the first state election two years.

3. Calendar No. 86, 62d Congress, Report 100, Pt. 2.

Joint Resolution No. 57² for the admission of the territory, which provided that the people of Arizona should change their proposed constitution by voting out the clause containing the recall at the price of securing coveted statehood. As the situation appeared at this time, the Senate that had voted more than three to one providing statehood by the mere presenting of the recall to the people for their reconsideration now demanded that such a reconsideration must result in a vote to eradicate. After long delay and patient labor, the way that the President had advised was finally up for ratification or rejection. In the debates that followed references to the President more or less uncomplimentary¹ were frequent, and the expression of the House that had voted four to one to relieve Arizona from the ordeal through which she was about to pass was especially free in vilifying the resolution about to be considered. The measure passed the Senate on August 18th, and the House on the following day.

On the 22d it was signed by the President, whereupon Governor Sloan issued a proclamation for an election to be held December 12th, and provided for the election of a full state ticket and a member of Congress. Previous to this election the first primary under the new state constitution was held on October 24th, resulting in the choice of W. P. Hunt and Thomas F. Weedon by the Democrats, and E. W. Wells and George W. Young by the Republicans. The Democrats elected the entire ticket and a majority of the legislature. At this general election an advisory vote was taken for two United States Senators, resulting in a majority for Marcus Smith, who had served the territory eight terms as delegate to Congress, and Henry Ashurst. The vote to eliminate the recall as provided in the constitution was practically unanimous. The population of the new state entitled her to one member in the House of Representatives, to which office Carl Hayden was duly elected.

2. That part of Senate Joint Resolution making it mandatory upon the people of Arizona to reject the recall in order to be admitted is as follows: "If a majority of the legal votes cast at said election upon said amendment shall be in favor thereof, the said canvassing board shall forthwith certify said result to the governor of the territory, together with the statement of votes cast upon the question of the ratification or rejection of said amendment; whereupon the governor of said territory shall, by proclamation, declare the said amendment a part of the constitution of the proposed state of Arizona, and thereupon the same shall become and be a part of said constitution; and if the said proposed amendment to Section 1 of Article 8 of the constitution of Arizona is not adopted and ratified as aforesaid, then, and in that case, the territory of Arizona shall not be admitted into the Union as a state, under the provisions of this act."—Statutes of the United States of America, 1st Session, 62d Congress, 43.

1. Congressional Record, 62d Congress, 1st Session, Vol. XLVII, 4118-4141, and Vol. XLVIII, 4212-4242.

On April 2d the recently elected Senators¹ took the oath of office and entered upon their duties in the third session of the Sixty-second Congress.

Following the admission to statehood thus attained by the renunciation of the recall the legislature and the people had the power to re-incorporate the feature that had been objected to so strenuously by President Taft. On April 27, 1912,² an amendment for the recall of judges, which was the first bill introduced in the first legislature, was passed, the vote being unanimous in the House and only two members dissenting in the Senate, these being Hubbell and Smith. On November 5, 1912, the recall of the judiciary was adopted by the people and thus after a two years' war in the halls of Congress and more than sixty years of zealous endeavor, the goal of territorial ambition had been attained. Thus did the Territory of Arizona pass *sub jugum* into the Federal Union and by so doing she enjoyed the rare privilege of exercising a spirit of humility denied her sister states.

1. The terms of the two senators was determined by lot; Mr. Smith thus received the short term expiring March 3, 1915, and Mr. Ashurst the long term, which will end March 3, 1917.

2. The facts here in set forth were obtained from the daily newspapers immediately following the events considered. Access to the files of the Los Angeles Evening Express was obtained through the courtesy of the editor and the librarian. The Arizona Blue Book for 1911 has been issued recently but its data pertains exclusively to events that happened previous to admission.